



Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

Twenty-seventh Meeting Day

Tuesday Afternoon

March 2, 2004

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Representative Dennie Oxley II.

The Pledge of Allegiance to the Flag was led by Representative Phyllis J. Pond and the Boy Scout troop from Good Shepard United Methodist Church, Fort Wayne.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Messer
Buck	Moses
Budak	Murphy
Buell	Neese
Burton	Noe
Cheney	Orentlicher
Cherry	Oxley
Chowning	Pelath
Cochran	Pflum ...
Crawford	Pierce
Crooks	Pond
Day	Porter
Denbo	Reske
Dickinson	Richardson
Dobis	Ripley
Duncan	Robertson
Dvorak	Ruppel
Espich	Saunders
Foley	Scholer
Frenz	V. Smith
Friend	Stevenson
Frizzell	Stilwell
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Van Haaften
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 234: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1151:

Conferees: C. Lawson and Breaux
replacing Zakas and Antich-Carr
Advisors: Landske and Bowser
replacing Clark and Broden

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 3, 2004 at 1:30 p.m.

KERSEY

Motion prevailed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1306.

KROMKOWSKI

Representatives Ayres, Buell, Hoffman, Kersey, and Pond were excused from voting. Roll Call 235: yeas 88, nays 0. Motion prevailed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1401 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1194 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1244 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MANGUS

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Resolution 73

Representatives L. Lawson and Scholer introduced House Resolution 73:

A HOUSE RESOLUTION urging the legislative council to assign the Indiana child custody and support advisory committee to study and set guidelines differentiating between child support expenses and educational expenses for children at least 21 years of age who are enrolled in an institution of higher education.

Whereas, It is necessary to study and set guidelines to help differentiate between child support expenses and educational expenses for children at least 21 years of age who are enrolled in institutions of higher education: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign the Indiana child custody and support advisory committee to study and set guidelines differentiating between child support expenses and educational expenses for children at least 21 years of age who are enrolled in an institution of higher education.

SECTION 2. That the committee, if given this assignment, shall operate under the direction of the legislative council and issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:25 p.m. with the Speaker in the Chair.

Representatives Austin, Crawford, Espich, Goodin, Hoffman, Lehe, and Mangus were excused.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be removed as author of House Bill 1285, Representative Stilwell be substituted as author.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as cosponsor of Engrossed Senate Bill 4.

STILWELL

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 41, 42, 43, 47, and 48 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1029.

KUZMAN

Roll Call 236: yeas 79, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1054.

CHENEY

Roll Call 237: yeas 70, nays 10. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1080.

MAYS

Roll Call 238: yeas 81, nays 0. Motion prevailed.

Representative Crawford, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1062.

FOLEY

Roll Call 239: yeas 86, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1133.

BUDAK

Roll Call 240: yeas 85, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1178.

AVERY

Roll Call 241: yeas 84, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1136.

CHOWNING

Roll Call 242: yeas 88, nays 0. Motion prevailed.

Representatives Austin and Mangus, who had been excused, were present. Representative Chowning was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1245.

Van Haaften

Roll Call 243: yeas 89, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1265.

KERSEY

Roll Call 244: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1218.

SUMMERS

Roll Call 245: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1285 and that the House now concur in the Senate amendments to said bill.

STILWELL

Roll Call 246: yeas 82, nays 4. Motion prevailed.

Representative Austin was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1304.

STEVENSON

Roll Call 247: yeas 86, nays 0. Motion prevailed.

Representatives Austin and Chowning, who had been excused, were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1308.

PORTER

Roll Call 248: yeas 74, nays 16. Motion prevailed.

Representative Lehe, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1330.

AYRES

Roll Call 249: yeas 93, nays 0. Motion prevailed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1019 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AYRES

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1019	Conferees: Cheney and Ayres Advisors: Pierce and Scholer
EHB 1194	Conferees: Avery and Budak Advisors: Summers, Orentlicher, and Hinkle
EHB 1251	Conferees: C. Brown and Becker Advisors: Kersey and T. Brown
EHB 1300	Conferees: Bottorff and Thomas Advisors: Kuzman and Ulmer
EHB 1401	Conferees: Kuzman and Bosma Advisors: Mahern and Richardson

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 41	Conferees: C. Brown and Budak Advisors: Welch and Buell
ESB 72	Conferees: Mahern and Richardson Advisor: Messer
ESB 194	Conferees: Orentlicher and Ruppel Advisors: Kuzman and Noe
ESB 278	Conferees: Klinker and Koch Advisors: Frenz and Behning

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that

the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1019:

Conferees: Landske and Dembowski

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1055:

Advisor: Kenley

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1194:

Conferees: Dillon and Broden
Advisors: Long and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1251:

Conferees: Server and Simpson
Advisors: C. Lawson, Dillon, Breaux, and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1300:

Conferees: Long and Broden
Advisors: Bray and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1365:

Advisor: Kenley

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1401:

Conferees: Harrison and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

Representative Austin was excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1345.

BUELL

Representative Reske was excused from voting. Roll Call 250: yeas 89, nays 0. Motion prevailed.

Representatives Austin and Hoffman, who had been excused, were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1394.

BOSMA

Roll Call 251: yeas 92, nays 0. Motion prevailed.

Representatives Austin and Mangus were excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1435.

BEHNING

Roll Call 252: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1436.

CRAWFORD

Roll Call 253: yeas 69, nays 19. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1449.

PELATH

Roll Call 254: yeas 89, nays 0. Motion prevailed.

SPECIAL ORDER OF BUSINESS

House Resolution 47

The Speaker handed down House Resolution 47, authored by Representatives Dobis, Bauer, Aguilera, Chowning, Harris, Liggett, Kromkowski, Pflum, Stilwell, Dickinson, Cheney, D. Young, Stevenson, Goodin, Oxley, Porter, L. Lawson, Kuzman, T. Adams, Leonard, Ayres, Budak, Yount, Bischoff, Kruse, Becker, and Denbo, which had been made a special order of business:

A HOUSE RESOLUTION concerning Indiana job loss and United States trade policy.

Whereas, Manufacturing jobs, which build and sustain America's middle class, are disappearing; the United States has lost more than 2,000,000 manufacturing jobs since 2001;

Whereas, The creation of the World Trade Organization and the strong bipartisan support and passage of trade agreements, such as the General Agreement on Tariffs and Trade and the North American Free Trade Agreement, occurred amidst promises from leadership of both parties that the benefits would far outweigh the negative effects;

Whereas, The annual trade deficit has hit a record high of over \$450 billion, growing by more than 600% in the past ten years;

Whereas, The trade deficit with China accounted for a quarter of the record trade deficit, amounting to \$114.09 billion in unadjusted figures;

Whereas, The trade deficit with Canada and Mexico has ballooned to nine times its size before the passage of NAFTA;

Whereas, The current administration is working on a new trade agreement, Free Trade Area of the Americas (FTAA), which is expected to be presented to the United States Congress in 2005, and

has recently endorsed the Central American Free Trade Agreement (CAFTA); and

Whereas, The tremendous effects of the manufacturing crisis in Indiana are obvious on the tax base and budgets and local, county, and state governments, schools, and public services: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the President of the United States and Congress are urged to address the adverse effects on trade in this nation due to the misalignment and manipulation of currency by the Chinese, other East Asian governments, and any other countries that artificially lower the value of their currency relative to the dollar.

SECTION 2. That the President of the United States and Congress are urged to level the playing field for companies and workers across international borders by ensuring that international trade agreements require that corporations pay fair and competitive wages, respect the right to unionize, and adopt workplace safety and antipollution standards equivalent to those in the United States.

SECTION 3. That the President of the United States and Congress are urged to reassess the goals of United States trade policies and the effectiveness of agreements that have been reached in the past.

SECTION 4. That the President of the United States and Congress are urged to promote economic development initiatives both at home and abroad and provide economic incentives in the form of grants to sectors that have experienced record job loss since the passage of NAFTA, namely manufacturers and small business owners. This action would force reinvestment in American products and services as well as reinvigorate our economy.

SECTION 5. That the President of the United States and Congress are urged to reconsider steel tariffs on foreign-produced steel.

SECTION 6. That the President of the United States and Congress are urged to assess the rapid impact of import growth in the economy versus exports and the effects this trend is having on the economy, forcing the record current trade deficit the country is experiencing to be addressed.

SECTION 7. That the Interim House Study Committee on International Trade and Labor Issues held four meetings during the 2003 legislative interim in four geographically and economically diverse areas of the state: Indianapolis, Gary, Fort Wayne, and Jasper. Testimony at each of these meetings was passionate, and committee members heard from Hoosiers who represented a variety of different sectors of Indiana's economy. Farmers, small business owners, workers, labor unions, large and small employers, academics, congressional aides, and trade experts all testified before the committee on the negative effects unfair trade agreements have had on them personally, their families, communities, this state, and their jobs.

SECTION 8. That the Speaker of the House of Representatives is encouraged to dispatch a bipartisan group to meet with the Indiana congressional delegation and the appropriate agencies to convey the impact these unfair trade practices are having on the Indiana manufacturing sector.

SECTION 9. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the President of the United States and each member of the Indiana congressional delegation.

Representative Dobis reported to the House that several coauthors had been added to the resolution and that it had been amended, based on the discussion of the previous day.

The resolution was read a second time and adopted by voice vote.

[Journal Clerk's Note: the amended text is in SECTION 5. The original language was "are urged to reimpose steel tariffs"; the corrected names and language are printed above.]

SPECIAL ORDER OF BUSINESS

House Concurrent Resolution 38

The Speaker handed down House Concurrent Resolution 38, authored by Representative Crawford, which had been made a special order of business:

A CONCURRENT RESOLUTION urging diversity and inclusion in the American private enterprise system.

Whereas, The Indiana General Assembly finds and declares that the essence of the American private enterprise system is free competition;

Whereas, Only through full and free competition can free markets, reasonable and just prices, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured;

Whereas, The preservation and expansion of that competition is basic to Indiana's economic well-being, which cannot be realized unless the actual and potential capacity of women, minority, and small business enterprises is encouraged and developed;

Whereas, It is the declared policy of the state to aid the interests of women, minority, and small business enterprises in order to preserve reasonable and just prices and a free competitive enterprise, to ensure that a fair proportion of the total purchases and contracts or subcontracts for commodities, supplies, technology, property, and services for regulated utilities are awarded to women, minority, and small business enterprises, and to maintain and strengthen the overall economy of Indiana;

Whereas, The Indiana General Assembly believes that the opportunity for full participation in our free enterprise system by women, minority, and small business enterprises is essential if Indiana is to attain social and economic equality for those businesses and improve the functioning of Indiana's economy;

Whereas, Public agencies that have established short and long range goals for women, minority, and small business enterprises are awarding at least 5% of the agencies' contracts to these business enterprises;

Whereas, Women, minority, and small business enterprises have traditionally received less than a proportionate share of regulated public utility procurement contracts;

Whereas, It is in the interest of Indiana to expeditiously improve the economically disadvantaged position of women, minority, and small business enterprises;

Whereas, The position of these businesses can be improved by providing long range substantial procurement goals for regulated public utilities of technology, equipment, supplies, services, materials, and construction work utilizing women, minority, and small businesses; and

Whereas, The procurement processes utilizing women, minority, and small businesses also benefit the public utilities and Indiana consumers by encouraging the expansion of the number of suppliers for procurement, thereby encouraging competition among the suppliers and promoting economic efficiency: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly encourages the development of greater economic opportunity for women, minority, and disabled veteran business enterprises; promotion of competition among regulated public utility suppliers in order to enhance economic efficiency in the procurement of electrical, gas, and telephone corporation contracts and contracts of their commission regulated subsidiaries and affiliates; and clarification and expansion of the program for the procurement by regulated public utilities of technology, equipment, supplies, services, materials, and construction work from women, minority, and small business enterprises.

SECTION 2. That the Minority Business Development Division of the Indiana Department of Administration shall establish guidelines for all electrical, gas, and telephone corporations and their subsidiaries and affiliates to be used in establishing programs that promote procurement practices utilizing women, minority, and small business.

SECTION 3. That each electrical, gas, and telephone corporation shall furnish an annual report to the Minority Business Development Division of the Indiana Department of Administration regarding the implementation of programs that develop economic opportunity for women, minority, and small business enterprises and that the Minority Business Development Division of the Indiana Department of Administration shall annually designate the form for the report and the time that the report be submitted.

SECTION 4. That the Minority Business Development Division of the Indiana Department of Administration shall provide a report to the Indiana General Assembly not later than November 1 of each year on the progress of the activities undertaken by each electrical, gas, and telephone corporation in the implementation of women, minority, and small business enterprise vendor development programs. The report shall include a program recommendation and a recommendation for legislation that the Minority Business Development Division of the Indiana Department of Administration considers necessary to further greater economic opportunity for women, minority, and small business enterprises.

SECTION 5. That the Minority Business Development Division of the Indiana Department of Administration shall adopt criteria for verifying and determining the eligibility of women, minority, and small business enterprises for procurement contracts and develop an outreach program to inform and recruit women, minority, and small business enterprises to apply for procurement contracts.

SECTION 6. That each electrical, gas, and telephone corporation and its subsidiaries and affiliates shall implement an outreach program developed by the Minority Business Development Division of the Indiana Department of Administration.

SECTION 7. That to facilitate the participation of women, minority, and small business enterprises in contract procurement, a corporation may consider the following measures to include those businesses in all phases of contracting:

- (1) Timely or progressive payments to those businesses.
- (2) An amendment of the performance bond requirements when past performance within a specified area of business justifies that consideration.
- (3) The provision of assistance to those businesses by securing contract payments to those businesses with letters of credit, negotiable securities, or other financing arrangements or measures.

SECTION 8. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Minority Business Development Division of the Indiana Department of Administration.

The resolution was read a second time. After discussion, Representative Crawford withdrew the resolution until a later date.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Pursuant to House Rule 156, conference committee meetings were announced.

On the motion of Representative Kromkowski, the House adjourned at 6:15 p.m., this second day of March, 2004, until Wednesday, March 3, 2004, at 1:30 p.m.

B. PATRICK BAUER
Speaker of the House of Representatives

DIANE MASARIU CARTER
Principal Clerk of the House of Representatives